IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 840 OF 2004

TEHMI DADY SHROFF & ORS. ... Petitioners
V/S
LAXMAN RAMCHANDRA KASURDE (DECD) LRS.
And anr. ... Respondents

Mr. Warunjikar for the petitioner.
Respondent and his advocate, not present despite service

CORAM: **MRS. ROSHAN DALVI J.**

DATE:13/3/2006

P.C.:

Mr. Warunjikar for the petitioner. The respondent and his advocate is not present despite service.

The petitioner has challenged the order dated 19.8.03 under which the application for restoration of the suit, which was dismissed for default, is also dismissed for default. The petitioner' ssuit was dismissed for default. His application for setting aside that order has also been dismissed for default. This writ petition challenges the second order. The respondents are not contesting, The real contest on merits is to be adjudicated. Hence the suit itself requires to be heard on merits.

Petition is allowed. Miscellaneous application as well as the suit are restored. The suit itself shall be heard and disposed of on merits. The suit is not expedited.

(**MRS. ROSHAN DALVI J.**)